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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,319	11/02/1999	RICHARD JOHN PROCTOR	P/61683	9894
156	7590	06/30/2005	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/432,319	PROCTOR, RICHARD JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ricardo Pizarro	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 52-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-56, 58-61 and 65 is/are rejected.
- 7) ☒ Claim(s) 57 and 62-64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Drawings 1-6 are objected to under 37 CFR 1.83(a) because they fail to show proper labeling of the elements ( i.e trunk exchange, local exchange) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

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Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 52-54 are rejected under 35 U.S.C. 102(e) as being unpatentable by US patent No. 6,243,374 (White).

Regarding claim 52, White discloses a telecommunications method, comprising: one or more nodes (Nodes 104 and 116) a plurality of telephone exchanges ( LEC 102 and 114 in Fig. 12, col 19 line 1-2), two of which are arranged to communicate traffic with each other via the one or more nodes ( LEC communicates traffic with LEC 114 through router 104 in Fig. 12, col 19 lines 43-44); wherein communication via the one or more nodes is in a packetized form of packets (communication via packets i.e. Internet network 106 in Fig. 12); wherein the one or more nodes comprise routers (said nodes are Internet Router 104 and Internet Router 116 in Fig. 12); wherein at least some of the telephone exchanges arranged to communicate with each other via the one or more nodes are trunk exchanges ( MHLG lines consist of Trunk Circuits, col 19 lines 29-39); wherein each of the trunk exchanges has a direct link to each of the one or more nodes ( each trunk line has a direct line to Internet Routers 104 and 116 in Fig. 12); wherein communication via one or more of the routers uses internet protocol (IP) for the traffic (Both Routers are Internet routers) and means for converting the traffic from the packetized form to a non-packetized form m, that is an inherent feature for the system routers that are capable of performing this conversion otherwise the system would not be able to function as expected.

Regarding claim 53, some of the exchanges are local exchanges ( local exchanges 102 and 114 in Fig. 12)

Regarding claim 54, wherein the communication includes telephone calls; and wherein all call handling in the system takes place outside of the one or more nodes

( nodes 20 in Fig. 1 are not arranged to handle call processing but rather routing and conversion of data).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 55 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,282,194 (Cheesman).

White did not specifically disclose wherein communication between the local exchanges and the trunk exchanges uses asynchronous transfer mode , as in claim 55, means for providing interworking between synchronous transfer mode (STM) and IP domains , as in claim 60.

However Cheesman discloses a Trunk system, wherein communication between the local exchanges and the trunk exchanges uses asynchronous transfer mode (ATM) ( Local exchanges 100, 110 and 120 In Fig. 5 communicate through ATM network 50) as in claim 55; , means for providing interworking between synchronous transfer mode (STM) and IP domains ( STM 70 interworks with IP gateway 30 in Fig. 5, col 8 lines18-23), as in claim 60

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the White reference in order to have the system functioning as a virtual access tandem interconnecting end office.

The motivation to do so is to provide a system that permits narrowband traffic to be directed through asynchronous transfer mode networks.

4. Claims 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent no. 6,002,757 ( Williams.)

White did not specifically disclose wherein each of the two or more telephone exchanges comprises routing data relating to communication with all other exchanges in the telecommunications system; and wherein the routing data is partially or wholly enabled, as in claim 56,

However Williams disclose wherein each of the two or more telephone exchanges comprises routing data relating to communication with all other exchanges in the telecommunications system ( col 7 lines 15-20) as in claim 56.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify to provide the routing tables as disclosed by Williams to the system disclosed by White to be capable of routing a call regardless of whether the called party is served locally or externally, the table can be partially or wholly enabled depending on the volume of calls.

The motivation to do so is to obtain a method of routing calls between networks with ported numbers while making use of existing facilities , minimizing call routing complexities and cost.

5. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,345,048 ( Allen).

White did not specifically disclose said the system comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 58.

Allen discloses an ATM based distributed virtual tandem switching system, comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 58.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means for carrying voice traffic as disclosed by Allen to the White system to provide a replacement in the system for current trunking system operating between end offices.

The motivation to do so is to obtain a trunk forecasting and provisioning system that in order to minimize overflow call volume, can adequately provide forecasting in such a way that the trunk group can handle the expected call volume.

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,542,498 (Socaciu )

White did not specifically disclose said adapter detecting modem traffic, as in claim 61.



Socaciu. discloses a signaling system including modem detection means ( col 4 lines 42-44), as in claim 61.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the detection means as disclosed in Socaciu to the system disclosed by White in order to have the system to efficiently connect with the idle Internet stations

The motivation to do so is to obtain a system that can easily and efficiently connect idle Internet end stations at any time.

7. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of U.S. patent No 6, 345, 048 ( Allen).

White did not specifically disclose said adapter comprising means for compression of voice traffic, as in claim 65.

Allen discloses an IWF means comprising AAL2 means that can support voice compression ( col 6 lines 30-32), as in claim 51.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the voice compression means as disclosed by Allen to the system disclosed by White in order to obtain a switching system that that is adapted to receive end office voice trunks and convert the trunks to ATM cells.

The motivation to do so it to provide an ATM based distributed virtual tandem switching system that can replace a standard tandem switch.

8. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,370,149 ( Gorman).

White did not disclose means for carrying voice traffic as voice over IP (VOIP), as in claim 59.

Gorman discloses means for carrying voice traffic as voice over IP (VOIP)( col 5 lines 50-55), a sin claim 59.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the White reference in order to provide a diverse interface with the Internet.

The motivation to do so is to have a system where in no dedicated circuit connection is consumed for the entire duration of a call.

### ***Allowable Subject Matter***

9. Claims 57, 62-64 are is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

### ***Conclusion***

10.Arguments are moot in view of the new ground of rejection.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 272-3126

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

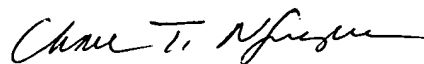
Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/21/2005  
Ricardo Pizarro



**CHAU NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**